

Application/Control Number: 09/225537

Art Unit: 2164



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DETAILED ACTION

Response to Reply

1. This action is responsive to applicant's Reply(Paper #17) filed 9/24/01.
2. This action is furnished in lieu of the Office action dated 5/7/01 due to the filing of the preliminary amendment date 2/20/01 which predated the Final of 5/7/01.
3. No claims were deleted. None were added. None were amended.
4. Claims 17-31 remain pending in this case.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. New claims 17-21 and 29 are rejected under 35 USC 103(a) as unpatentable over Wolfberg(US Pat. No: 5,214,579).
7. (New)As per claim 17, Wolfberg teaches a method of determining an index value(col 2 lines 2-12) associated with a portfolio, including at least one security, from market data for other securities, comprising calculating a value for each of the other securities from market data that is indicative of market conditions for the other securities in a market for the other securities; and calculating the index value(col 20 lines 13-14)(col 1 line 55-col 2 line 4) associated with the portfolio that includes the at least one security using each value for the other securities(col 2 line